

REMARKS

The Office Action mailed April 2, 2009 ("*Office Action*") considered claim 1. At the outset, the *Office Action* rejected claim 1 under 35 U.S.C. § 112 as being indefinite. The *Office Action* also rejected claim 1 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,479,558 to Fliermans ("*Fliermans*").

By this paper, Applicant amends independent claim 1 and adds new dependent claims 2-19. As a result, claims 1-19 are pending, and in condition for allowance. Applicants hereby request reconsideration of the above-identified claims.

Regarding the 35 U.S.C. § 112 rejection, Applicant has amended claim 1, and therefore, respectfully submits that the rejection has now been addressed and/or is otherwise now moot.

As to the § 102(e) rejection of record, Applicant submits that the present amendments overcome the present rejection of record, and thus render the § 102 rejection of record moot. For example, with respect to amended independent claim 1, *Fliermans* fails to disclose a process for surface activation and/or devulcanization of sulfur-vulcanized rubber particles "carried out at temperatures below 50° Celsius," as recited in amended claim 1. In contrast, *Fliermans* discloses a process performed "at a temperature maintained within the range of 50° C to 70° C and more preferably 60° C to 65° C." *Fliermans*, col. 6, ll. 19-22. It is not surprising that *Fliermans* fails to disclose a process "carried out at temperatures below 50° Celsius" given that *Fliermans* discloses a treatment process using "thermophilic microorganisms" (in other words organisms that live and thrive at high temperatures). *Id.* at Abstract.

Along similar lines, *Fliermans* fails to disclose a process for surface activation and/or devulcanization of sulfur-vulcanized rubber using "bacteria selected from at least one of (i) mesophilic anaerobic bacteria; (ii) mesophilic optionally anaerobic bacteria; or (iii) mesophilic

microaerophilic bacteria; or one or more enzyme systems of a selected bacteria," as recited by amended independent claim 1. In contrast, and as mentioned above, *Fliermans* discloses a treatment process using "thermophillic microorganisms." *Id.* at Abstract.

Accordingly, Applicant respectfully submits that the § 102 rejection of record is now moot, and that amended independent claim 1 is allowable. Furthermore, each of new dependent claims 2-19 is allowable because each depends directly or indirectly from amended independent claim 1. Applicant respectfully submits, therefore that the present application is in condition for prompt allowance. If the Examiner finds any further impediment to prompt allowance that can be clarified through a telephone interview, Applicant invites the Examiner to contact Applicant's Attorney (undersigned) directly.

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefor and charge any additional fees that may be required to Deposit Account No. 23-3178.

Dated this 31st day of July, 2009

Respectfully submitted,

/Ryan E. Keller/

Ryan E. Keller
Registration No. 60,516
Michael J. Frodsham
Registration No. 48,699
Attorneys for Applicant
Customer No. 022913